



STATE OF WEST VIRGINIA

Offices of the Insurance Commissioner

JOE MANCHIN III
Governor

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JULY 2010

WEST VIRGINIA INFORMATIONAL LETTER

NO. 135B

TO: All Insurance Companies Licensed to Do Business in the State of West Virginia, Insurance Trade Associations, Insurance Media Publications and All Other Interested Persons

RE: Electronic Transaction of Insurance

The purpose of this Informational Letter is to address the effect of the Uniform Electronic Transaction Act ("UETA") on the transaction of insurance in West Virginia. This Informational Letter supersedes Informational Letters 135 and 135A.

UETA became effective on July 13, 2001, and is primarily codified at W. Va. Code §39A-1-1 *et seq.* UETA generally authorizes the use of electronic records and signatures in West Virginia transactions, including insurance transactions, even where a law requires creation, delivery and retention of written signatures and documents. However, UETA does not encroach upon any statutory, administrative or common law requirements concerning the substance of a transaction, nor does UETA influence laws that specify or relate to the content of a document.

Although UETA allows for delivery of electronic signatures and documents, it does not affect laws that specify the timing of the delivery except to the extent that it explains when electronic signatures or documents are deemed sent and received. *See* W. Va. Code §39A-1-15A. Accordingly, whenever a law specifies the time frame for delivery of an insurance-related document, that law applies to electronic signatures and documents in the same manner as it applies to written signatures and documents.

The validity of electronic verifications and acknowledgments is also addressed in UETA. Where a law requires that a document be verified or that receipt be acknowledged, the document may be provided or made available electronically if the electronic method used provides the requisite verification or acknowledgment of receipt. Likewise, UETA provides that where a law requires a signature or document to be notarized, acknowledged, verified or made under oath, the requirement will be satisfied if the electronic signature of the notary (or the person authorized to perform those acts), and all other information required to be included by the other law, is attached to, or logically associated with, the signature or document.

How UETA specifically interrelates with West Virginia's insurance laws can be demonstrated by looking to W. Va. Code §33-6-31d, which requires optional limits of uninsured motor vehicle ("UM") coverage and underinsured motor vehicle ("UIM") coverage to be offered on forms prescribed by the Insurance Commissioner. The current UM/UIM forms are attached to Informational Letter 121, with instructions stating that the forms are to be delivered by hand or by mail to the named insured and that the forms are to be completed in the insured's own handwriting. With the enactment of UETA, these UM/UIM forms may now be provided to the named insured in electronic form and may be completed by the insured electronically as an alternative to the delivery and handwriting requirements set forth in Informational Letter 121.



In other words, the forms no longer must be completed in the insured's own handwriting or delivered by hand or mail provided that they are presented, completed and returned electronically in compliance with the provisions of UETA. However, the content of the forms must continue to include the required information and conform to the mandatory minimum ten-point font size and a commonly used font face. The bold face print must likewise continue to appear bold faced on any electronic form.

If you have a question concerning this Informational Letter, please e-mail your question to Informational.Letters@wvinsurance.gov or call (304) 558-0401.



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